

NOT VOTING—5

Barrasso Fetterman Sanders
Feinstein Kelly

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 43, Arun Subramanian, of New York, to be United States District Judge for the Southern District of New York.

Charles E. Schumer, Richard J. Durbin, Jeff Merkley, Jeanne Shaheen, Elizabeth Warren, Sheldon Whitehouse, Richard Blumenthal, Christopher A. Coons, Jack Reed, Alex Padilla, Gary C. Peters, Angus S. King, Jr., Mazie Hirono, Tim Kaine, Brian Schatz, Cory A. Booker, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Arun Subramanian, of New York, to be United States District Judge for the Southern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Arizona (Mr. KELLY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Mr. BARRASSO).

The yeas and nays resulted—yeas 58, nays 37, as follows:

[Rollcall Vote No. 44 Ex.]

YEAS—58

Baldwin	Grassley	Murray
Bennet	Hassan	Ossoff
Blumenthal	Heinrich	Padilla
Booker	Hickenlooper	Peters
Brown	Hirono	Reed
Cantwell	Kaine	Romney
Capito	Kennedy	Rosen
Cardin	King	Rounds
Carper	Klobuchar	Schatz
Casey	Lee	Schumer
Collins	Lujan	Shaheen
Coons	Manchin	Sinema
Cornyn	Markey	Smith
Cortez Masto	McConnell	Stabenow
Duckworth	Menendez	Tester
Durbin	Merkley	Van Hollen
Gillibrand	Murkowski	
Graham	Murphy	

Warner
Warnock

Warren
Welch

Whitehouse
Wyden

NAYS—37

Blackburn
Boozman
Braun
Britt
Budd
Cassidy
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

Hagerty
Hawley
Hoeven
Hyde-Smith
Johnson
Lankford
Lummis
Marshall
Moran
Mullin
Paul
Ricketts
Risch

Rubio
Schmitt
Scott (FL)
Scott (SC)
Sullivan
Thune
Tillis
Tuberville
Vance
Wicker
Young

NOT VOTING—5

Barrasso Fetterman Sanders
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The PRESIDING OFFICER (Mr. WELCH). On this vote, the yeas are 58, the nays are 37.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Arun Subramanian, of New York, to be United States District Judge for the Southern District of New York.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME

Mr. CORNYN. Mr. President, communities across the country have paid the price of Democrats' soft-on-crime policies. The Democratic Party has backed woke prosecutors who refuse to enforce broad swaths of the Criminal Code. It has endorsed "defund the police" policies and candidates, and it has consistently shown more sympathy for the criminals who commit crimes than for the victims who were hurt by them.

It is no surprise that these decisions carry very dangerous consequences, which are being felt across America. Businesses are fleeing Portland, OR, due to surging crime. The mayor of Chicago was just defeated in her primary because she failed to address rampant crime in that city.

One city that is not immune to these consequences is our Nation's Capital, Washington, DC. So far this year, the District of Columbia has seen more than three dozen homicides—a nearly 40 percent increase compared to last year. Forty percent. Sex crimes have more than doubled compared to last year, and there have been more than 1,200 motor vehicle thefts, including carjackings, which is more than double the number at this point last year. In total, the Nation's Capital, where we are located, reported a 25-percent increase in crime compared to last year.

With crime on the rise, you would expect that the elected leaders of the DC City Council would take steps to improve public safety, but that is not what they did. In fact, council members took the exact opposite approach. Forget deterring criminal conduct; the

DC City Council responded to this crime wave by reducing penalties for violent crimes. It actually passed legislation that decreases punishment for many of the same crimes that have been on the rise over the last year—lower penalties for carjackings, home invasions, and robberies and lower penalties for convicted felons who illegally carry firearms and for felons who use guns to commit other crimes. There are no mandatory minimum sentences for any crime other than first-degree murder.

It is a slap in the face of every law-abiding resident and visitor to this city; every person who worries about getting carjacked on their way home from work, like the people who work for us here in the Nation's Capital; or being robbed on the Metro, like the visitors from our States who come to the Nation's Capital who don't expect to be assaulted and robbed; or individuals who have their residence targeted by a serial burglar.

This is not the kind of legislation that is meant to keep people safe; it is just the latest iteration of failed soft-on-crime policies. It is no surprise that DC's Criminal Code rewrite was met with severe backlash.

Even the Washington Post published an editorial entitled "DC's crime bill could make the city more dangerous." Well, I give them credit for stating the obvious.

The U.S. attorney for the District of Columbia warned that this measure prevents courts from imposing penalties that appropriately reflect the seriousness of the offense and the defendant's criminal history.

One local elected official used especially harsh words to describe a portion of the bill that would allow someone convicted of sexual assault to petition for early release after 20 years. She said:

I don't think the DC Council should be helping rapists get out of prison early. That's crazy.

Crazy indeed—so crazy, in fact, that the city's liberal Mayor, Muriel Bowser, even vetoed this measure when it reached her desk, saying it "does not make us safer."

I don't find myself agreeing with the Washington Post editorial board or the Mayor of the District of Columbia often, but they are both right here.

DC Council members should have viewed her veto and the public outrage as a sign that they should go back to the drawing board, but unfortunately they doubled down. DC City Council overrode the Mayor's veto. They ignored the deep concerns of citizens of this city and the dire warnings from public safety advocates and plowed ahead.

Fortunately, that is not the end of the road for this dangerous and deeply misguided bill. The Constitution of the United States gives Congress exclusive legislative jurisdiction over the District of Columbia. It is a Federal district. We must take action to prevent

this criminal-friendly measure from going into effect.

As we have seen, this effort has broad bipartisan support, starting at the White House. Last month, the House of Representatives passed a resolution of disapproval by a vote of 250 to 173, with more than 30 Democrats crossing the aisle to support it. Thanks to the Senator from Tennessee, Senator HAGERTY's leadership, that resolution will receive a vote on the Senate floor this week. I expect it will pass with strong bipartisan support, as it should, and put a final nail in the coffin of this dangerous and deeply misguided legislation.

Soft-on-crime policies have had a devastating impact on cities across America, and we can't let our Nation's very Capital become a consequence-free playground for lawbreakers. So I appreciate Senator HAGERTY's leadership on this resolution and his work to ensure that it receives a vote in the Democrat-led Senate.

FEDERAL JUDICIARY

Mr. President, on another but somewhat related matter, over the last several years, Washington Democrats have waged war on our independent Federal judiciary.

Three years ago, the majority leader of the Senate, the Senator from New York, joined an abortion rally outside the Supreme Court, where he made deeply disturbing comments about two sitting Associate Justices on the Supreme Court of the United States. He said:

I want to tell you, Gorsuch; I want to tell you, Kavanaugh: You have released the whirlwind, and you will pay the price. You won't know what hit you if you go forward with these awful decisions.

That is a quote.

Well, the majority leader certainly did not mince words. The top Democrat in the U.S. Senate threatened two sitting Supreme Court Justices by name based on a case they were considering.

In the year since, the radical left has picked up the sword and carried on the fight. Last summer, as the Supreme Court considered a case on abortion rights, a radical organization released the home addresses of several Supreme Court Justices, and they encouraged protesters to show up at the Justices' private homes to harass and intimidate. It was a disgusting invasion of privacy and a massive security risk, which sadly was met with nothing more than a shrug by many of our Democratic colleagues.

Attorney General Garland himself had an opportunity to address this abhorrent conduct in the Judiciary Committee last week, and he confirmed that, to date, no prosecutions have been brought under a Federal statute making what these protesters did a crime—seeking to intimidate sitting Justices and cause them to change their opinion on legal matters that they were charged with. No prosecutions.

With no real repercussions for such gross behavior, the far left has now ex-

panded its attack to include other Federal judges.

Last month, the liberal news site Vox published a story railing against what it described as "Trump's worst judges," all of whom serve on the Federal courts in my State of Texas. The author of that piece tweeted the article that featured a photo of one of those judges, Matthew Kacsmaryk. The author added that Judge Kacsmaryk is "the single worst villain in the United States of America that most people have never heard of, and I am determined to make him a household name."

This blatant attack on this sitting Federal judge and on the independent judiciary wasn't just limited to a liberal news site; larger mainstream news sources joined in too. The Washington Post recently published an opinion piece that argued that the only way to "rein in Republican judges" is to shame them. These are Federal judges who were given life tenure following Senate confirmation for the very purpose of making them insulated from politics so that they can remain laser-focused on judging the law and interpreting the Constitution and applying it to the case before them.

The Washington Post opinion piece I am referring to says:

Democratic politicians, left-leaning activist groups, newspaper editorial boards, and other influential people and institutions need to start relentlessly blasting Republican-appointed judges.

A former aide to Senator SCHUMER, majority leader of the U.S. Senate, who now serves as the executive director of a dark money group called Demand Justice, shared that article on Twitter and endorsed the idea of referring to judges by "their party affiliation." Again, these are Senate-confirmed judges who serve for life who have basically forsworn politics. But this former aide to the Senate majority leader says: No, you need to refer to them by their party affiliation—presumably the party affiliation of the President who nominated them to the office.

As our country struggles to deal with hate speak online and threats of violence against our leaders and politicians, it is hard to imagine anything getting more dangerous than the rhetoric targeting Federal judges and the independent Federal judiciary.

Last summer, U.S. marshals arrested a man outside of Justice Kavanaugh's home who had traveled all the way from California with the intention of assassinating Justice Kavanaugh. When the man was arrested, he had in his possession a Glock 17 pistol, along with ammunition, a knife, a hammer, a crowbar, and zip ties. He told authorities that it was his plan to break into the house and kill Justice Kavanaugh and then take his own life. Thank God he was caught before anyone was harmed. But we may not be so lucky next time when this reprehensible, irresponsible rhetoric strikes unstable individuals and prompts them to do things that none of us, I hope, would want or endorse.

Blatant attacks against judges and our independent judiciary must come to an end.

Sadly, one of our Senate colleagues has joined the ranks of the angry mob. Last month, the senior Senator from Oregon delivered an incredibly dangerous speech here on the Senate floor advocating for the Biden administration to ignore a potential court order from Judge Kacsmaryk's court. To be clear, this is a U.S. Senator who said that the executive branch should disregard the lawful order of a Federal district judge. He wants the Constitution to be effectively ripped into shreds and thrown out the window if the judge happens to decide a case in a way that he doesn't approve of.

The left's attack on our independent judiciary keeps getting more and more dangerous. It doesn't matter what case is in a Federal court or what ruling is ultimately handed down—Senators must respect the Constitution itself, and with that comes three coequal branches of government.

Judicial independence is the thing that distinguishes our democracy and our Constitution from all other countries on the planet—judicial independence; judges who aren't afraid to call balls and strikes and interpret the Constitution, hopefully, as written and apply the laws that Congress passes. That judicial independence should never be threatened. If a U.S. Senator doesn't realize that, then we have some really, really big problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

(The remarks of Mr. COTTON pertaining to the introduction of S. 691 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COTTON. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

NOMINATION OF PATRICE H. KUNESH

Ms. SMITH. Mr. President, I rise today in support of the nomination of Patrice Kunesh to be the Commissioner of the Administration for Native Americans at the Department of Health and Human Services.

Ms. Kunesh is a descendant of the Standing Rock Lakota and a distinguished lawyer, advocate, and thought leader. She currently works at the Native American Rights Fund, but her career spans from being counsel for the Mashantucket Pequot Tribe to being the director of the Center for Indian Country Development at the Minneapolis Federal Reserve—all in the service of Native communities. Ms. Kunesh also served as the Deputy Solicitor at the Department of the Interior and as Deputy Under Secretary for Rural Development at the USDA.

The Administration for Native Americans at HHS helps Native communities, including Indian Tribes, Native Hawaiians, and Alaska Natives, with financial support and technical assistance for Native language preservation,